



Paper No. 12

Elizabeth E. Nugent, Ph.D.  
Choate, Hall & Stewart  
53 State Street  
Boston MA 02109

COPY MAILED

JUL 15 2002

OFFICE OF PETITIONS

In re Application of  
Miller et al.  
Application No. 09/350,956  
Filed: July 9, 1999  
Attorney Docket No. 0492611-0350

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 12, 2002, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 29 September, 2001, for failure to timely file a response to the Restriction Requirement mailed on 28 August, 2001, which set forth a one (1) month shortened statutory period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed on 22 April, 2002.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application file is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Douglas Wood at (703) 308-6918.

Douglas I. Wood  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy